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Federal Communications Commission  
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June 13, 1997

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William F. Caton  
Acting Secretary  
Federal Communications Commission  
Washington, D.C. 20554

ATTN: The Commission

RE: Petition For Reconsideration of the Sixth  
Report and Order In MM Docket No. 87-268,  
submitted by First Baptist Church, Paris, Texas

Dear Mr. Caton:

Transmitted herewith on behalf of the First Baptist Church of Paris, Texas is an original and 11 copies of its "Petition for Reconsideration" filed in connection with the above-referenced rulemaking proceeding.

Should any questions arise concerning this matter, kindly contact the undersigned directly.

Respectfully submitted,

**FIRST BAPTIST CHURCH, PARIS,  
TEXAS**

By Joseph E. Dunne III  
Joseph E. Dunne III  
Its Attorney

JED:B70  
xc: Jon McFadden

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Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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JUN 13 1997

Federal Communications Commission  
Office of Secretary

In the Matter of

Advanced Television Systems  
and Their Impact On  
Existing Television Broadcast  
Services

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MM Docket No. 87-268

To: The Commission

PETITION FOR RECONSIDERATION

The First Baptist Church, Paris, Texas ("FBC"), by and through its undersigned attorney and pursuant to section 1.429 of the Commission's Rules and Regulations, 47 CFR § 1.429 (1997), hereby respectfully requests the Commission to reconsider its action in the above-captioned Report and Order, 62 FR 26684 (May 14, 1997), which seemingly has forever foreclosed groups such as FBC from applying for new television frequencies in their communities. As grounds for its petition, FBC shows and states as follows.

1. The central error which permeates the Sixth Report and Order is the fact that the Commission believed that it was required to utilize all of the television broadcast spectrum to provide each existing broadcast licensee with a two channels on which to operate during the transition period, both an NTSC channel and a DTV channel. The result of the Commission's action in the Sixth Report and Order was therefore predictable--all of the broadcast spectrum is now monopolized by existing broadcast licensees and no spectrum is left for application by newcomers in the television business, however earnest or well-qualified.

will remain the same. Because of the short distance between the transmitter sites at issue, and the lack of any intervening terrain obstructions, W57BS will cause and receive interference from KMOV when that station activates its DTV channel. Should that occur, according to Commission rules, W57BS will be required to cease operation. Moreover, given the crowded spectrum in the St. Louis television market, which is the 21st largest television market, it is problematical, to say the least, to hope that there will be an available frequency which would permit W57BS to resume operation as a displaced LPTV licensee. Moreover, given the tightness of spectrum in the area, W57BS will be utterly dependent on KMOV to speedily activate its DTV channel to permit W57BS to file a displacement application while there are still channels available. Given the Commission's St. Louis assignments, W57BS' future is, at best, uncertain. Displacement is an expensive and time-consuming process requiring the licensee to, at a minimum, extensively alter its transmitter and to purchase a wholly new antenna. At the worst and in the more likely circumstance, W57BS simply has no future.

**C. The Licensee Counterproposal**

3. There appear to be alternate channels available for assignment to KMOV in St. Louis which would permit the continued operation of W57BS on channel 57. See, Exhibit 1, page 1. According to the MSTV/NAB computer study, "Alternate DTV Channel Assignments in the Continental United States," dated May 28, 1997, DTV channel 16 could be assigned to KMOV as its DTV channel

2. The Commission's action as it impacts on the television spectrum available in Paris, Texas provides a neat before and after scenario. Before the Commission's action in the Sixth Report and Order there were two vacant and unapplied for channels allocated to Paris, Texas, channels 36 and channel 41. FBC was investigating applying for one of those channels but was unable to do so for an extended period of time because of the Commission's freeze on the acceptance of applications for new NTSC channels. Following the Sixth Report and Order Now there are no channels for which FBC may apply, either assigned to its local community or elsewhere. The Commission's action has, in fact, frozen FBC out of the television business.

3. This aspect of the effect of the Commission's actions in the Sixth Report and Order was not the subject of much discussion by the Commission, but the natural consequences of the Commission's policy judgement may have a greater impact on the shape of the broadcast industry than the seemingly more weighty technical issues concerning DTV spectrum that the Sixth Report and Order discussed at great length. The effect of the Commission's decision is to freeze the broadcast industry to the licensees of TV stations as of a certain date. The television industry is now a closed system--new applicants need not apply.

4. What the Commission and the public may be missing is shown by a review of the possible qualifications of FBC, an entity that wishes to file for a new television frequency, but is now frustrated by the fact that no new spectrum is available for

which it may apply. FBC is a church in Paris, Texas. It has been providing locally produced programming to the community for over a decade on a channel made available by the local cable system. See, Statement of Jon McFadden, Exhibit 1, p. 1. For over ten years it has been providing a limited transmission outlet for the people of Paris. Included among its current offerings is Health Talk, a show teaching viewers about new medical technology and services available in the community. In Paris Today, produced in conjunction with the town Chamber of Commerce, FBC provides viewers with an overview of the events and activities that would be available to residents. The local programming provided includes a health serving of local sports, primarily local football, which, as the Commission is well aware, has an almost theological significance in some Texas communities. Religious programming, including a Catholic mass for shut-ins, was also a part of the program schedule.

5. Future broadcast production plans included a cooking and parenting program produced in conjunction with the County Extension Service, a program which obviously will meet community needs in this era of fractured families and single parents. Another show in pre-production planning was directed toward teenagers and focused on teen issues and the exploration of some fun and wholesome options for teenagers in the local area.

6. If FBC were permitted to apply for a channel it would not have been a carpetbagger or a media speculator which views a broadcast license as a cash register with an antenna attached,

but a local group with deep roots in the community, a decade long record of being sensitive to the needs of the local community, and plans and ideas for producing new programming for the community based on its solid experience in the community. Only in an era where broadcast licensees were viewed as fungible could the Commission not regret the day that it foreclosed FBC from being able to extend its program service to the greater Paris area. Surely in other communities there are also groups which are ready, willing and able to provide new program ideas, new energy, new idealism and new localism to their broadcast service, which are now and forever foreclosed from serving the wider community as an FCC broadcast licensee.

7. Because it lacks the software to do the allocation studies necessary, FBC has no concrete suggestions to offer which would result in a certain amount of spectrum being made available for new applicants. These are, however, a few ideas that should be explored:

- reserve a small amount of broadcast spectrum, say ten percent outside a 55 mile limit from the top 30 television markets, for new applicants;

- reduce the areas to be served by the DTV channels slightly to permit channels to be made available for new applicants.

- require new applicants to pay a fee to TV stations whose DTV service area was reduced to permit allocations to be made available for new applicants.

- permit new applicants to apply for new channels by proposing adjusted DTV service areas.

8. What is important, however, is the fact that the Commission sanction some method by which new applicants may apply

for and serve their communities using new TV allocations. The thrust of the Commission's policies on many fronts for the last 30 years has been to expand the number and kind of people involved in the television industry. If there has been a policy constant at the FCC it has been the Commission's encouragement of new blood. If one hadn't been convicted of a felony or was not an alien he or she had a legitimate right or opportunity to apply for and receive an authorization to serve his or her community in the public interest. That historic policy has been reversed by the Sixth Report and Order, with incalculable consequences.

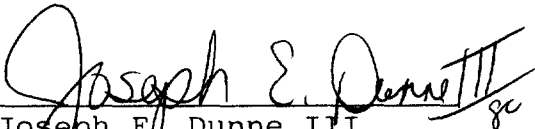
9. The openness of the U.S. television industry was supported by the value of localism and the ideal of diversity. The Sixth Report and Order makes the historic underpinning of the Commission's idea of the public interest obsolete. FBC urgently requests the Commission to reconsider its decision to turn the television broadcast industry into a closed system.

**WHEREFORE**, the foregoing considered, the First Baptist Church, Paris, Texas respectfully requests the Commission to reconsider its action in the Sixth Report and Order and reserve some

broadcast spectrum for the use of new applicants hoping to  
provide new television service to their communities.

Respectfully Submitted,

**FIRST BAPTIST CHURCH, PARIS, TX**

By:   
Joseph E. Dunne III  
Its Attorney

**JOSEPH E. DUNNE III**  
*Attorney At Law*  
150 E. Ninth Street  
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Durango, CO 81301  
(970) 385-7312

June 13, 1997



**FIRST BAPTIST CHURCH OF PARIS, TEXAS**

**EXHIBIT 1**

**VERIFIED STATEMENT OF JON MCFADDEN**

### VERIFIED STATEMENT

I, Jon McFadden, hereby affirm that the following statement is made under penalty of perjury of the laws of the United States and the State of Texas, and is true and correct.

1. I am the director of Media and Public Relations for the First Baptist Church, Paris, Texas ("FBC"). I have served in that capacity for over three years, and I have been working for FBC for over five years.

2. FBC has had an active broadcast ministry for well over ten years. For over ten years we have had access to a cable channel on our local cable system, and we have been programming that channel for over a decade.

3. We have a number of local programs currently in production which are being telecast over our cable channel. These include Paris Today, a community events program produced in cooperation with the Visitors and Convention Council of the Lamar County Chamber of Commerce. The program consists of interviews with planners of upcoming activities in Paris or Lamar county, a "Week-in-Review" segment featuring video gathered at recent events, and a look at the upcoming calendar of events which may not have been covered in the interview segment. Health Talk is produced in conjunction with the McCuistion Regional Medical Center in Paris. The program features interviews with local health care professionals and allows the viewer to learn about the new medical technology and services available in the Red River Valley. Just Fishin' TV features Red River Valley fishing guide "Lucky" Lee on

many lakes in the area. Northeast Texas Game of the Week is a weekly broadcast of high school games in the area, depending upon the season. The program broadcasts the football, baseball and basketball games of all area high schools, and has recently been improved by the addition of a "Coaches Show" with interviews with the coaches of all the high schools represented. First Love is a worship service of the First Baptist Church. We also broadcast a Catholic mass from Our Lady of Victory Catholic Church.

4. In addition to these regular productions, we also broadcast special event programming as it seems appropriate. A sample of the programming we have broadcast over the last 11 years includes the broadcast of the Paris Fourth of July and Christmas parades, area high school, college and symphony performances of "the Messiah," the "Paris Community Wide Thanksgiving Service," and the Memorial unveiling ceremony for fallen police officer David Roberts.

5. Our future production plans include producing a cooking and parenting program in cooperation with the county extension service and a youth oriented program focusing on teen issues and featuring fun and wholesome alternatives for area youth. We hope to produce a topical morning call-in program and a daily news program providing news, weather and sports information to Paris residents. Finally we hope to produce a home Sunday School program utilizing SBC material, and including live call-in segments hosted by local pastors and Christian counselors.

6. The First Baptist Church learned that two vacant channels

were formerly available for application in Paris. We had planned on applying for one of the vacant channels. We learned that under the Commission's new allocation plan there are no new channels allocated that we can apply for.

*John McFadden*  
John McFadden

Executed this 13th day of June, 1997.